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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,384	10/25/2005	Declan Patrick Kelly	FR 030046	7930
24737	7590	12/23/2008	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			HASAN, SYED Y	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2621	
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12/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/554,384	KELLY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SYED Y. HASAN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 October 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 - 5 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 - 5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/22/2007

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 7136359) in view of Ellis et al (US 7051360)

Regarding **claim 1**, Kim discloses a video player device (fig 1, 12, DVD player) intended to play a video content that includes audio tracks and/or subtitles (col 4, line 34, audio and video and col 3, line 66, subtitle) in a given number N of languages, said number N being higher than 5 (col 1, lines 55 – 56, 8 languages) characterized in that it comprises a user interface enabling the user to define a list of interesting languages (col 2, lines 17 – 22) a memory for storing the list of interesting languages (col 2, lines 35 – 40) and means for generating a dynamic menu intended to be displayed by filtering the languages of the audio tracks present on the disc in accordance with the list of interesting languages (col 2, lines 45 – 48) said dynamic menu being such that languages of the list of interesting languages have priority in the dynamic menu (col 2, lines 49 – 54 illustrates priority)

However Kim does not disclose a list of languages displayed

On the other hand Ellis et al teaches list of languages displayed (fig 7b, 182)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate as taught by Ellis et al in the system of Kim in order to provide users with the ability to select languages from digital audio tracks on a digital channel.

Regarding **claim 2**, Kim discloses a video player, characterized in that the dynamic menu is a player menu wherein the languages of the list of interesting languages in which audio tracks are present on the disc are displayed at the beginning of the dynamic menu (col 2, lines 49 – 54)

However Kim does not disclose a list of languages displayed

On the other hand Ellis et al teaches list of languages displayed (fig 7b, 182)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate as taught by Ellis et al in the system of Kim in order to provide users with the ability to select languages from digital audio tracks on a digital channel.

Regarding **claim 3**, Kim discloses a video player, characterized in that said player menu only includes the list of interesting languages, other languages being only accessible from a disc-based menu (col 2, lines 40 – 54)

However Kim does not disclose a list of languages displayed

On the other hand Ellis et al teaches list of languages displayed (fig 7b, 182)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate as taught by Ellis et al in the system of Kim in order to provide users with the ability to select languages from digital audio tracks on a digital channel.

Regarding **claim 4**, Kim discloses a video player, characterized in that the

dynamic menu is a disc-based menu in which a list of languages stored in the disc based menu is reorganized before display in order to display the list of interesting languages in priority (col 2, lines 35 – 54)

However Kim does not disclose a list of languages displayed

On the other hand Ellis et al teaches list of languages displayed (fig 7b, 182)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate as taught by Ellis et al in the system of Kim in order to provide users with the ability to select languages from digital audio tracks on a digital channel.

Claim 5 is rejected based on claim 1 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Lee (US 2002/0044222) discloses language displaying apparatus for digital TV and method for the same

Takagi (US 5548509) discloses a recording medium and information reading apparatus

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Y. H.  
12/19/2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621